

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING CERTAIN CITY-OWNED PROPERTY LOCATED ON SOUTH MONROE STREET, 300 FEET NORTH OF TISCH WAY AS SURPLUS TO THE NEEDS OF THE CITY, APPROVING AN AGREEMENT WITH KB HOME SOUTH BAY, INC. FOR SALE OF THE PROPERTY IN THE AMOUNT OF \$300,000, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE CERTAIN DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

WHEREAS, the City of San José ("City") owns property as shown on Exhibit "A" attached hereto, located on South Monroe Street, 300 feet north of Tisch Way comprised of approximately 4,313 square feet ("Property"); and

WHEREAS, on May 1, 2012, the City Council adopted Resolution No. [REDACTED], vacating the Property to allow for the narrowing of the existing street by fourteen feet; and

WHEREAS, the Property is not needed for nor adaptable to municipal purposes, and the sale thereof would serve the public interest; and

WHEREAS, the San José Municipal Code authorizes the City Council to declare City-owned real property surplus to the needs of the City and to authorize the sale or exchange of such surplus property; and

WHEREAS, Section 4.20.070 of the San José Municipal Code allows the City to sell surplus property through direct negotiation at fair market value, and upon such other terms and conditions as the Council may direct, to the owner of property adjacent to such surplus Property; and

WHEREAS, KB Home South Bay, Inc. is the adjacent property owner, and desires to purchase the Property in the amount of \$300,000, which represents fair market value for the Property, to incorporate the Property into its development of 104 multi-family attached residences on the 8.21 acres located at 485 South Monroe Street; and

WHEREAS, the City desires to declare the Property as surplus, approve an agreement for sale of the Property to KB Home South Bay, Inc. in the amount of \$300,000, and authorize the execution of all documents necessary to complete the transaction;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Property is not needed for, nor adaptable to, municipal purposes, and the public interest would be served by the sale of such surplus Property; and
2. The agreement with KB Home South Bay, Inc. for sale of the Property in the amount of \$300,000 is hereby approved; and
3. The City Manager or designee is authorized to execute on behalf of the City the sale agreement, the deed, and all other documents necessary to complete the transaction.

ADOPTED this ____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk

EXHIBIT "A"



MARCH 22, 2012

06-130

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12 OF TRACT 9275 AS SHOWN ON THE MAP FILED FOR RECORD ON DECEMBER 14, 2000 IN BOOK 735 OF MAPS, PAGES 25-35 OF THE RECORDS OF SAID SANTA CLARA COUNTY;

THENCE SOUTH 89° 45' 56" EAST ALONG THE SOUTHERLY LINE OF LOT 12 OF SAID TRACT 9275 AND ALONG THE SOUTHERLY LINE OF TRACT 8907 AS SHOWN UPON THE MAP FILED FOR RECORD ON DECEMBER 4, 1996 IN BOOK 684 OF MAPS, PAGES 28-31 OF THE RECORDS OF SAID SANTA CLARA COUNTY A DISTANCE OF 789.58 FEET TO THE SOUTHEAST CORNER OF LOT 100 AS SHOWN ON SAID TRACT 8907, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89° 45' 56" EAST ALONG THE PROLONGATION OF SAID SOUTHERLY LINE OF SAID TRACT 8907 A DISTANCE OF 14.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5,988.00 FEET;

THENCE SOUTHERLY ALONG LAST MENTIONED CURVE FROM WHICH A RADIUS POINT BEARS NORTH 88° 43' 56" WEST THROUGH A CENTRAL ANGLE OF 0° 38' 51" AN ARC DISTANCE OF 67.66 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 6,132.00 FEET;

THENCE SOUTHERLY ALONG LAST MENTIONED CURVE FROM WHICH A RADIUS POINT BEARS SOUTH 88° 05' 05" EAST THROUGH A CENTRAL ANGLE OF 1° 58' 55" AN ARC DISTANCE OF 212.11 FEET;

THENCE SOUTH 00° 04' 00" EAST A DISTANCE OF 0.28 FEET TO THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF PARCEL 5 AS DESCRIBED IN THE GRANT DEED RECORDED ON DECEMBER 02, 2011 AS DOCUMENT NO. 21443832, OFFICIAL RECORDS OF SANTA CLARA COUNTY;

THENCE ALONG SAID EASTERLY PROLONGATION NORTH 89° 46' 10" WEST A DISTANCE OF 14.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 5;

1 of 3



THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 5 NORTH 00° 04' 00" WEST A DISTANCE OF 0.21 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 6,146.00 FEET;

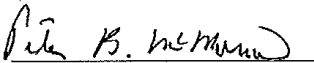
THENCE CONTINUING ALONG SAID EASTERLY LINE OF PARCEL 5, NORTHERLY ALONG LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 1° 58' 55" AN ARC DISTANCE OF 212.60 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 5,974.00 FEET;

THENCE CONTINUING ALONG SAID EASTERLY LINE OF PARCEL 5, NORTHERLY ALONG THE LAST MENTIONED CURVE FROM WHICH A RADIUS POINT BEARS NORTH 88° 05' 05" WEST THROUGH A CENTRAL ANGLE OF 0° 38' 42" AN ARC DISTANCE OF 67.25 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 3,921 SQUARE FEET (0.09 ACRES) OF LAND, MORE OR LESS.

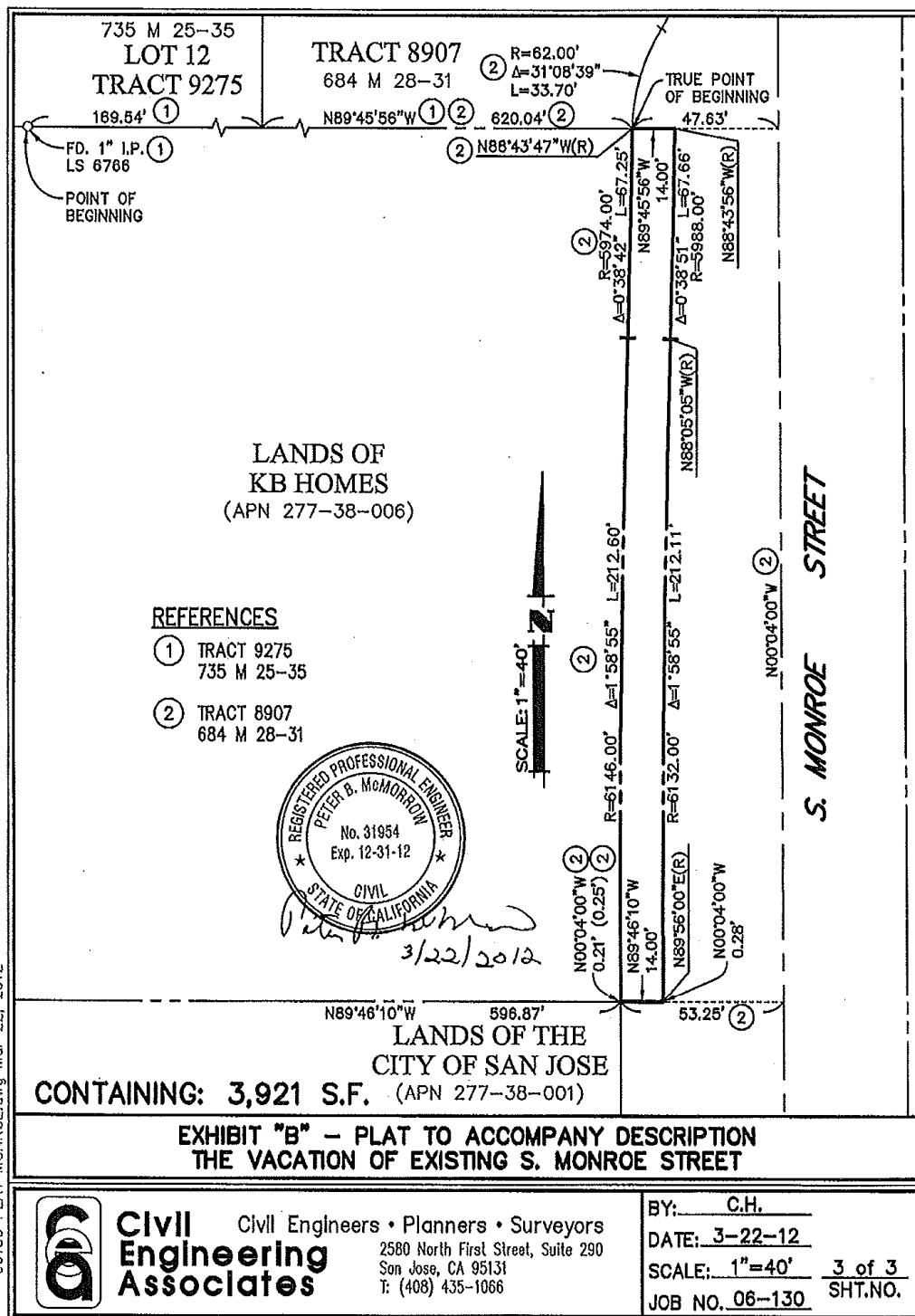
A PLAT ENTITLED "EXHIBIT B" IS ATTACHED HERETO AND MADE A PART THEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING PLAT WERE PREPARED BY ME OR PREPARED UNDER MY DIRECTION.


PETER B. McMORROW
R.C.E. 31954

3-22-2012
DATE





06130 PLAT MONROE.dwg Mar 22, 2012

DESCRIPTION OF REAL PROPERTY
Parcel B



MARCH 22, 2012

06-130

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THENCE ALONG THE EASTERLY LINE OF SAID LOT 100, NORTHERLY ALONG LAST MENTIONED CURVE FROM WHICH A RADIUS POINT BEARS SOUTH 88° 43' 47" EAST THROUGH A CENTRAL ANGLE OF 31° 08' 39" AN ARC DISTANCE OF 33.70 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 38.00 FEET;

THENCE CONTINUING ALONG SAID EASTERLY LINE OF LOT 100, NORTHERLY ALONG LAST MENTIONED CURVE FROM WHICH A RADIUS POINT BEARS NORTH 57° 35' 08" WEST THROUGH A CENTRAL ANGLE OF 30° 40' 58" AN ARC DISTANCE OF 20.35 FEET;

THENCE SOUTH 01° 43' 54" WEST A DISTANCE OF 51.16 FEET TO THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID TRACT 8907;



THENCE ALONG SAID PROLONGATION NORTH 89° 45' 56" WEST A
DISTANCE OF 14.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 392 SQUARE FEET (0.009 ACRES) OF LAND, MORE
OR LESS.

A PLAT ENTITLED "EXHIBIT B" IS ATTACHED HERETO AND MADE A
PART THEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING PLAT WERE
PREPARED BY ME OR PREPARED UNDER MY DIRECTION.

Peter B. McMorro

PETER B. McMORROW
R.C.E. 31954

3-22-2012
DATE



